

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 5, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-20740 - APPLICANT: THE ISLAND DEVELOPMENT, LLC OWNER: NEAR AND FAR, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 15, 2007 CITY COUNCIL MEETING AT THE REQUEST OF COUNCILMAN REESE.

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Variances (VAR-20487), (VAR-20488), (VAR-21263), Special Use Permit (SUP-20486), and Site Development Plan Review (SDR-20484) if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Approval of this Special Use Permit does not constitute approval of a liquor license.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a proposed Special Use Permit (SUP-20486) for a restaurant and service bar on the 50th level of a 50-story high rise mixed-use development within the Redevelopment Overlay District but outside of the Downtown Centennial Plan Overlay area. There is a Special Use Permit application to allow a mixed-use development and three variance requests that accompany this case. The first variance is to allow a 15' setback where a 1:1 ratio is required for buildings over 35' high and the second would permit lot coverage to be 60.57% where 50% is the maximum permitted by code. The third variance would allow two loading docks where 10 are required. In addition to the 497 residential units, there would be over 99,000 square feet devoted to offices, a grocery store and roof-top restaurant. A Site Development Review Plan (SDR-20484) is also a companion item to this case.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/01/2005	City Council approved a Special Use Permit to allow an Indoor Swap Meet at the location.
06/14/07	The Planning Commission recommended approval of companion items VAR-20487, VAR-20488, VAR-21263, SUP-20486 and SDR-20484 concurrently with this application. The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #27/yk).
<i>Related Building Permits/Business Licenses</i>	
	N/A
<i>Pre-Application Meeting</i>	
Month/date/year	Description
02/23/07	The applicant was informed of the Variances and Special Use Permits required for the project to move forward. FAA requirements were also discussed. The applicant was advised of schools and churches in the area.
<i>Neighborhood Meeting</i>	
Month/date/year	N/A
<i>Field Check</i>	
04/09/07	A large vacant one-story structure sits on the northwest corner of the lot with a parking lot on the south and east sides of the building. The proposed project is located on an "island" created by Maryland Parkway, 13 th Street and Lewis Avenue.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	127,159 square feet
Net Acres	80,048 square feet

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant	Mixed Use	C-1 (Service Commercial)
North	Apartments/office	Mixed Use	C-1 (Service Commercial) R-4 (Multi-Residential)
South	Apartments/retail	Mixed Use	C-1 (Service Commercial) R-4 (Multi-Residential)
East	Apartments	Mixed Use	R-3 (Multi-Residential) R-4 (Multi-Residential)
West	Apartments/office	Mixed Use	C-1 (Service Commercial) R-4 (Multi-Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan		X	Y
Iron Mountain Ranch		X	Y
Grand Canyon Village		X	Y
Grand Teton Village		X	Y
John S. Park Historic Neighborhood		X	Y
Las Vegas Enterprise Park		X	Y
Las Vegas Medical District		X	Y
Las Vegas Spectrum		X	Y
Lone Mountain		X	Y
Lone Mountain West		X	Y
PD (Planned Development) District		X	Y
Redevelopment Plan Area	X		Y
Summerlin		X	Y
Technology Center		X	Y
T-D Traditional Development District		X	Y
T-C Town Center District		X	Y
West Las Vegas Plan		X	Y

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
C-V (Civic) District		X	Y
P-C (Planned Community) District		X	Y
R-PD (Residential Planned Development) District		X	Y
PD (Planned Development) District		X	Y
Downtown Overlay District		X	Y
G-O (Gaming Enterprise Overlay) District		X	Y
A-O (Airport Overlay) District		X	Y
H (Historic Designation)		X	Y
Downtown Casino Overlay District		X	Y
T-C (Town Center) District		X	Y
Downtown Entertainment Overlay District		X	Y
Live/Work Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District		X	Y
T-D (Traditional Development) District		X	Y
Trails		X	Y
Rural Preservation Overlay District		X	Y
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

DEVELOPMENT STANDARDS

Per Title 19.08.050(C)(6) mixed-use developments that exceed the permitted lot coverage limitation may be permitted upon approval of a Special Use Permit in accordance with Sections 19.04.050 and 19.18.060. In addition, a mixed-use development shall be subject to all of the following requirements:

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	N/A	N/A
Min. Lot Width	100'	305'	Y
Min. Setbacks			
• Front	20'	20'	Y
• Side	8'	15'	Y
• Corner	15'	15'	Y
• Rear	8'	N/A	N/A
Min. Distance Between Buildings			N/A
Max. Lot Coverage	50%	60.57%	N
Max. Building Height	N/A	N/A	N/A
Trash Enclosure	Yes	Yes	Y

Mech. Equipment Screened	Yes	Yes	Y
Commercial & Residential Component	Yes	Yes	Y
Commercial uses are facing public right of way	Yes	Yes	Y
Residential use are above the ground level	Yes	Yes	Y

Per Title 19.08.060(B) a waiver of the 3:1 proximity slope is allowed for any mixed-use development that contains a significant residential element.

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	No/w waiver	No	Yes, if waiver is approved
Adjacent development matching setback	N/A	N/A	N/A
Trash Enclosure	Yes	Yes	Y

<i>Landscaping and Open Space Standards</i>				
<i>Standards</i>	<i>Required</i>		<i>Provided</i>	<i>Compliance</i>
	<i>Ratio</i>	<i>Trees</i>		
Parking Area	1 Tree/6 Spaces	2 Trees	10	Y
Buffer: Min. Trees	1 Tree/20 Linear Feet	48 Trees	123	Y
TOTAL				Y
Min. Zone Width	15 Feet		15 Feet	Y
Wall Height	N/A		N/A	N/A

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Studio & One bedroom units	457 Units	1.25 per unit + 1 per 6 units	647	N/A	648		
2 bedroom units	32 Units	1.75 per unit + 1 per 6 units	61	N/A	61		
3 bedroom units	8 Units	2 per unit + 1 per 6 units	17	N/A	16		

Handicapped Units	10 Units			10		10	
Sub Total	497 Units		725	10	725	10	
Office	64,800 SF	1 per 300 SF	216	7	216		
Retail	6,500 SF	1 per 250 SF	26	2	26		
Grocery	22,500 SF	1 per 250 SF	90	5	90		
Restaurant Seating	2,000 SF	1 per 50 SF	40	2	40		
Restaurant Other	3,600 SF	1 per 200 SF	18	1	18		
Other					6		
Handicapped						10	
SubTotal	99,400 SF		390	17	396	10	Yes
TOTAL (including handicap)			1,115	27	1,121	18	Yes
Loading Spaces			10		2		No

This project exceeds the minimum parking space requirements by 6 spaces. However, it does not meet the Title 19.10.010, 10 required loading dock spaces. It is short by 8 dock spaces. A companion variance (VAR-21263) case for this shortfall has been filed.

ANALYSIS

The restaurant and service bar would be located on the top floor of this project. The fact that this project is located on top of a 50-story building makes it non-compatible with the surrounding neighborhood. The sheer size of the building is not appropriate for this location. In addition to this proposed restaurant there are several other intense uses. The project includes a variety of uses including residential units, a grocery store, office space and smaller retail stores all in one massive high rise structure. The site plan takes advantage of the triangle shape of the property. The primary entrance is off of the 13th Street side of the project via a semi-circular driveway, although the legal front is off of the Lewis Avenue side. The parking garage is accessible from both sides with valet available on the 13th Street side. There are eight visitor/temporary surface parking spaces off of the semi-circular driveway. There are two small pedestrian oriented open spaces located at both the southwest and northeast corners of the lot. A five foot wide sidewalk surrounds the building on all three sides.

The first floor includes a grocery store on the west side of the building that includes a second floor section as well. At the center of the buildings first floor are a concierge, security, emergency room, valet and general office space off of the center lobby. The east/northeast part of the first floor features additional retail space. There are two levels of subterranean parking levels under the beneath the ground level. In addition to the upper level portion of the grocery store there is storage and more parking. Levels three thru nine is where the remaining parking spaces are located.

Level 10 features a fitness center and outdoor deck with a lounge and business center rounding out the rest of the level. The 11th and 12th floors are reserved for office space for the residents to use and/or rent. Levels 13 thru 43 are set aside for residential units. The 44th level is reserved for the buildings general offices. Levels 45 thru 49 are the larger residential units, some of which are two stories. A restaurant and outside pool are featured on the 50th or top level of the building.

The elevation of the building has several angled terraces and balconies that provide some vertical relief to the exterior elevations. The bulk of the building is center on the Lewis Avenue frontage with the rest of the building forming an 'L' shape on the lot. The building covers 60.57% of the lot which is 10.57% greater than what is permitted by code. A variance (VAR-20488) is a companion case to address this issue. Although the building offers vertical relief, a variance (VAR-20487) has been filed to address the fact that the 1:1 setback is not being met with this design. A third variance (VAR-21263) has been filed to address the shortage of loading docks. Of the required 10 loading docks, only two are provided.

The landscaping provided exceeds the minimum required for such a project. There are 171 trees ranging from twenty-five, 24" boxed Ginko Biloba to fifteen, 36" Olea Europaea 'Swan Hillswan Hill olive' trees. There are 542 5-gallon groundcover and bushes and an additional 205 15-gallon windmill palms allocated to the site. To finish the landscaping, there are small areas of fescue sod with the remaining area covered by decomposed coral pink granite.

The proposed tavern/restaurant does not meet the minimum distance requirement of 400 feet away from a school and/or church. The St. Joseph School is only 95' away from the project on the northeast corner of Lewis Avenue and 13th Street. While the First Shepard School is 210' to the north of the project on Maryland Parkway.

METRO has provided their approval of the project. They have noted that similar high-rise buildings have posed a problem with communications and would like the applicant to meet with them to find ways to alleviate their concerns.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

This project will overwhelm the surrounding land uses as currently proposed. The massive size, bulk and scale of this project is not in harmony with the neighborhood. In addition, there are two church-related schools that are within 300 feet of the project.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

No. This project is not appropriate in size, bulk, or scale for the proposed location.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

No. This project’s many uses and scale of uses will provide traffic flow issues in the surrounding neighborhood.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

No. The scale and bulk of this project is not recommended for this site.

5. **The use meets all of the applicable conditions per Title 19.04.**

Although a restaurant and service bar is permitted at this location with an approved Special Use Permit, the scale of this proposed project is not appropriate at the site. Furthermore, there are two church-related schools within 300 feet of the project in direct violation of the 400 feet minimum distance separation required by Title 19.04.050

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

16

ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 227 by City Clerk

APPROVALS 2

PROTESTS 0